

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

MICHAEL RICHARD BAY,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING MOTION FOR
RETURN OF PROPERTY

Case No. 2:10-CR-112 TS

On November 8, 2010, Defendant was sentenced to 60 months of probation with 180-days in a residential reentry center under a Public Law Placement.

Defendant filed a Motion for Return of Property seeking the return of his passport that he surrendered to pretrial services as part of his pretrial release supervision. In a separate notice of compliance, Defendant represents that he has not yet begun his term of up to six months at the Cornell facility and requests that the time he waiting to do so be included in that sentence. The government opposes the request to return the passport as premature and opposes the request for credit as unclear and unwarranted because Defendant is merely waiting, not serving time in the residential reentry center.

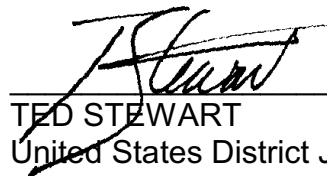
The Court having considered the Motion, finds that the request for a return of the

passport should be denied as premature where Defendant has not yet met with his probation officer and made arrangements to begin his term at the residential reentry center. Defendant has not shown grounds for receiving credit against his 6-month period for time spent waiting before entering the residential reentry center. It is therefore

ORDERED that Defendant's Motion for Return of Property (Docket No. 67) and is DENIED without prejudice.

DATED December 8, 2010.

BY THE COURT:



TED STEWART
United States District Judge